

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHAN-KOOK YOON

Appeal No. 2000-1503
Application 08/655,126

HEARD: JUNE 12, 2001

Before HAIRSTON, DIXON and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8. In an Amendment After Final (paper number 9), claim 1 was amended.

The disclosed invention relates to a method and apparatus for transmitting a list of messages received by a local facsimile machine to a remotely located facsimile machine

after a calling party at the remotely located facsimile machine correctly inputs a secret number. After the transmission of the list of received messages, a check is made at the local facsimile machine to determine whether or not a received message selection number has been inputted by the calling party. When a received message selection number is inputted by the calling party, the local facsimile machine transmits the message that corresponds to the selection number to the remotely located facsimile machine.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for remotely confirming and receiving messages received from a local facsimile machine having a memory for storing a secret number set by a user and received messages, comprising the steps of:

checking whether or not the secret number has been inputted, in response to an input of a ring signal by a remotely located facsimile machine of a remotely located calling party when the local facsimile machine has been set in a remote reception mode;

transmitting a list of received messages stored in the memory to said remotely located facsimile machine of a calling party when the secret number has been correctly inputted by the calling party as determined in the secret number checking step;

after transmitting the list of received messages, checking whether or not a received message selection number

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has been inputted by the calling party; and

transmitting a received message corresponding to the received selection number from the local facsimile machine to the facsimile machine of the calling party when the received message selection number has been inputted by the calling party.

The references relied on by the examiner are:

Fuller et al. (Fuller)	5,224,156	June 29, 1993
Gordon et al. (Gordon)	5,291,302	Mar. 1, 1994

Claims 1 through 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuller in view of Gordon.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 8.

Fuller teaches that facsimile messages may be sent from one location to another in a confidential manner. Appellant

and the examiner both agree that Fuller fails to teach the inputting of a selection number by a calling party, and the transmission of the message that corresponds to that selection number to the calling party (brief, page 5; answer, page 4). In view of the acknowledged shortcoming in the teachings of Fuller, the examiner turns to the facsimile teachings of Gordon. The examiner explains (answer, page 5) that "[s]ince Fuller and Gordon are directed to delivery of facsimile data from a first machine to a local facsimile machine remote from the first facsimile machine, the purpose of assigning or identifying a stored message with a numeric representation would have been recognized by Fuller as clearly set forth [sic, forth] by the designation of a **desired message number** (col. 12, line 61 of Gordon)." The examiner then concludes (answer, page 5) that "[i]t would have been obvious to one of ordinary skill in the art to replace the '**index**' of facsimile messages (col. 6, lines 54) as discussed by Fuller with a numeric representation of a message such that the 'selected number', corresponding to a message, can be used to list and retrieve those messages which are desired by the user instead of

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transmitting all of the messages which may be available to the remote recipient."

With respect to the teachings of Gordon, the appellant argues (reply brief, pages 2 and 3) that:

As noted in Figs. 5A and 7, while the user may manipulate the queue in Gordon *et al.* '302 by directing a message or making additional copies of the message or forwarding copies of the messages to other locations or change the priority of a selected message, the user cannot pick only selected message to be sent. All of the messages in the queue are sent.

Inasmuch as appellant's assessment of the teachings of Gordon agrees with the teachings of Gordon (column 12, lines 37 through 62), we agree with the appellant (brief, page 7) that:

In view of the above, it is submitted that it would not be obvious to combine the references in the fashion noted by the Examiner and even if the references were so combined, the resultant combination does not teach or suggest the recited steps of checking whether or not a received message selection number has been inputted by a calling party and transmitting only a received message corresponding to the received selection number from the local facsimile machine to the facsimile machine of the calling party when the received message selection number has been inputted to the calling party as recited in Claim 1.

In summary, the examiner has not set forth a prima facie case

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of obviousness of claims 1 through 8.

DECISION

The decision of the examiner rejecting claims 1 through 8
under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
JOSEPH L. DIXON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
ANITA PELLMAN GROSS)	
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